

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BRANDY M. LIANG,

Plaintiff,

Case No. 18-13750

v.

HON. GEORGE CARAM STEEH

STATE OF MICHIGAN AND  
POLICE DEPARTMENT OF  
FARMINGTON HILLS,

Defendants.

\_\_\_\_\_ /

**ORDER GRANTING PLAINTIFF IN FORMA PAUPERIS STATUS  
AND DISMISSING CASE PURSUANT TO 28 U.S.C. § 1915(e)(2)**

Plaintiff Brandy Liang, proceeding *pro se*, has filed suit against the State of Michigan and the Farmington Hills Police Department. Based upon the financial information in the Application to Proceed Without Prepaying Fees or Costs, the court grants plaintiff *in forma pauperis* status pursuant to 28 U.S.C. § 1915. For the reasons that follow, however, the court dismisses plaintiff's complaint pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failing to state a claim on which relief may be granted.

On August 21, 2018, plaintiff filed a lawsuit alleging, in part, wrongful arrest, *Miranda* violations and false statements by the Farmington Hills Police Department. ("First Lawsuit"; Case No. 18-12612) The allegations

made in the First Lawsuit arose out of an incident that occurred on June 17, 2018, wherein plaintiff was charged with domestic violence against her husband. The Farmington Hills Police Department filed a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). The motion was granted and plaintiff's First Lawsuit was dismissed in its entirety on November 7, 2018.

On December 3, 2018 Ms. Liang filed a new complaint against the "State of Michigan Police Department of Farmington Hills." ("Second Lawsuit"; Case No. 18-13750). The allegations in the Second Lawsuit arose out of an incident that occurred on November 2, 2018. The Second Lawsuit was assigned to another judge in this district. On December 7, 2018 Ms. Liang filed an amended complaint against the "State of Michigan Police Department of Farmington Hills" based on allegations arising out of her domestic violence arrest of June 17, 2018. Ms. Liang asserted claims of false arrest, false police reports and excessive force related to her arrest. These are the same claims Ms. Liang brought in the First Lawsuit.

Plaintiff's amended complaint superseded and replaced her original complaint in the Second Lawsuit. See, e.g. *Scott v. City of Detroit*, No. 15-10921, 2016 WL 3254582, at \*6 (E.D. Mich. June 14, 2016); *Drake v. City of Detroit*, 266 Fed.Appx. 444,448 (6th Cir. 2008) ("an amended complaint

supersedes all prior complaints”). After the amended complaint was filed, the Second Lawsuit was reassigned to this judge as a companion case because it appeared that the same parties were involved and the cases arose out of the same transaction or occurrence. See L.R.

83.11(b)(7)(a)(ii).

“The doctrine of res judicata, or claim preclusion, provides that a final judgment on the merits of an action precludes the ‘parties or their privies from relitigating issues that were or could have been raised’ in a prior action.” *Kane v. Magna Mixer Co.*, 71 F.3d 555, 560 (6th Cir. 1995) (quoting *Federated Dep’t Stores, Inc. v. Moitie*, 452 U.S. 394, 398, 101 S.Ct. 2424, 2428, 69 L.Ed.2d 103 (1981)).

It is apparent on the face of plaintiff’s amended complaint that she is making the same claims against the same defendant as she did in her First Lawsuit which was dismissed on November 7, 2018. Now, therefore,

IT IS HEREBY ORDERED that the above-captioned matter is dismissed pursuant to the doctrine of res judicata.

Based on the preceding order, this court certifies that any appeal from this decision would be frivolous, not in good faith and, therefore, pursuant to 28 U.S.C. § 1915(a)(3), may not be taken *in forma pauperis*.

SO ORDERED.

Dated: February 6, 2019

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record  
and Brandy Liang 31217 Country Ridge Circle, Farmington  
Hills, MI 48331 on  
February 6, 2019, by electronic and ordinary mail.

s/Marcia Beauchemin  
Deputy Clerk